THE BOMBAY REFUGEES ACT, 1948.

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FIRST SCHEDULE.

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BOMBAY ACT No. XXII OF 1948.[1]

[THE BOMBAY REFUGEES ACT, 1948.]

[*29th March 1948*]

Amended by Bom. 66 of 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

An Act to provide for compulsory registration and movement of refugees and for certain other purposes.

WHEREAS [2][it is expedient to provide for the registration and to regulate the movement of refugees with a view to facilitating their relief and rehabilitation and to securing public health, sanitation and safety and for certain other purposes herein specified]; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Refugees Act, 1948.

(*2*) It extends to the whole of the [3][State] of Bombay.

Interpretation.

2. In this Act, " refugee " means any person who has since the first day of August 1947, entered the [3][State] of Bombay, having left his place of residence elsewhere on account of civil disturbances in that place or the fear of such disturbances.

Registration Centres.

3. In Greater Bombay the Commissioner of Police for the Greater Bombay and elsewhere the District Magistrate shall, as soon as may be, by a general or special order, establish in respect of—

(*a*) each camp in which refugees are being accommodated, and

(*b*) each particular area specified by him, a registration centre for the registration of refugees, and shall appoint a person or a committee of persons to be the registering authority in charge of each such centre :

[4][Provided that the [5][State] Government may, from time to time by notification in the *Official Gazette*, direct that the functions of the Commissioner of Police or the District Magistrate under this section shall be performed by any other officer specified in such notification.]

Registration of refugees.

4. (*1*) Every refugee for the time being in the [3][State] of Bombay shall, within fifteen days from the coming into operation of this Act or within seven days from the date of his arrival in the [3][State] whichever is later, register himself at the registration centre of the camp in which he is being accommodated or if he is being accommodated or is residing elsewhere than in a camp for which a registration centre has been established, at the registration centre of the area in which he is being accommodated or is residing :

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, page 115.

[2] This portion was substituted for the original by Bom. 66 of 1948, s. 2.

[3] This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

[4] This proviso was added by Bom. 66 of 1948, s. 3.

[5] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Provided that a refugee who is the head of a family shall be responsible for the registration of members of his family for the time being with him :

Provided further that where a refugee is a female, a minor, a lunatic, an idiot or a person incapable by reason of being sick or infirm of attending at the registration centre, the person who may for the time being be looking after such refugee shall be responsible for his registration.

(*2*) A refugee registering under sub-section (*1*) or a person responsible for registration of a refugee under the said sub-section (*1*) shall, to the best of his ability, correctly fill up, or cause so to be filled up, the form set out in the First Schedule.

Certificate of registration.

5. The registering authority shall issue to every refugee registering under this Act a certificate of registration in the form set out in the Second Schedule.

Change of address.

6. (*1*) If a refugee ceases to reside at the address recorded in the certificate of registration issued under section 5, he shall, within seven days of any such change of address, intimate his new address to the registering authority by which the certificate of registration was issued and if the new address is within the jurisdiction of another registering authority, to that other registering authority, and shall at the same time forward the certificate of registration to that other registering authority in order that the new address may be entered therein :

Provided that where a refugee is not the head of the family, the head of the family, and where a refugee is a female, a minor, a lunatic, an idiot or a sick or infirm person, the person who may for the time being be looking after such refugee shall intimate the change of address and forward the certificate of registration to the registering authority as aforesaid.

(*2*) Nothing in sub-section (*1*) shall apply where the change of address recorded in the certificate of registration is due to a temporary absence not intended to exceed [1][three months] in duration.

Power of [2][State] Government to order refugees to reside in particular camps, places or areas and to remove themselves from such camps, places or areas.

7. The [2][State] Government may, by order in writing, direct any refugee or class of refugees to reside in any camp or place or within any area or to leave any camp or place or area and go to and reside in any other camp or place or area in the [3][State] of Bombay within a period specified in such order.

Power of [2][State] Government to remove refugees from any camp, place or area in the [2][State] of Bombay.

8. If any refugee fails to leave any camp, place or area, in accordance with an order made under section 7, he may be removed by any police officer or any person authorised by the [2][State] Government in this behalf from such camp, place or area in such manner as may be specified by the [3][State] Government by a general or special order.

Nothing in this section shall affect the liability of such refugee to the penalty provided in section 10.

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[1] These words were substituted for the words " thirty days " by Bom. 66 of 1948, s. 4.
[2] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950
[3] This word was substituted for the word " Province "; *ibid.*

Orders of vaccination and inoculation of refugees.

9. (*1*) An officer authorised by the Provincial Government in this behalf may, by order in writing, require a refugee or any person responsible for the registration of a refugee under sub-section (*1*) of section 4, to get himself or the refugee for whose registration he is so responsible vaccinated against small-pox or inoculated against plague, cholera or typhoid within fifteen days of such order, except where a certificate is produced from a registered medical practitioner or from a vaccinator or inoculator duly authorised by the Provincial Government in that behalf that such refugee has been vaccinated or revaccinated or inoculated, as the case may be, by him within six months immediately preceding the date of the order.

(*2*) Nothing in this section shall affect the liability of any person to get himself or any other person vaccinated or inoculated under any law for the time being in force.

Penalties.

[1][**10.** (*1*) Whoever refuses or without lawful excuse neglects to comply with the requirements of section 4 or 6 shall, on conviction, be punished with fine which may extend to two hundred rupees.

(*2*) Whoever gives particulars in filling the form under sub-section (*2*) of section 4 which are false and which he either knows or believes to be false or whoever contravenes any other provisions of this Act or any rule made thereunder or any order made in pursuance of this Act shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.]

Registering authorities and persons authorised to remove refugees to be public servants.

11. Every person or member of a committee appointed as a registering authority under section 3 and every person authorised by the Provincial Government to remove a refugee under section 8 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Protection of action taken under Act.

12. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything in good faith done or intended to be done under this Act or any rule or order made thereunder.

Certain offences to be cognizable.

[2][**13.** All offences under this Act except offences under sub-section (*1*) of section 10 shall be cognizable.]

Delegation of functions.

14. The Provincial Government may, by order notified in the *Official Gazette*, direct that any power conferred or any duty imposed on it by this Act, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer, not being in the opinion of the Provincial Government below the rank of a Collector, as may be so specified.

Rules.

15. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*i*) the preparation and maintenance of registers of refugees registered under section 4;

(*ii*) the manner of service on refugees of orders made under this Act; and

(*iii*) the vaccination and inoculation of refugees under section 9.

[1] This section was substituted for the original by Bom. 66 of 1948, s. 5.
[2] This section was substituted for the original by Bom. 66 of 1948, s. 6.

Power of exemption.

[1][16. (*1*) The Provincial Government may, by notification in the *Official Gazette*, direct that refugees from any particular area or place or any class of refugees shall be exempt from all or any of the provisions of this Act or any requirements thereof.

(*2*) An officer authorised in this behalf by the Provincial Government may, for reasons to be recorded in writing, order that any refugee shall be exempt from all or any of the provisions of this Act or any requirements thereof.]

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[2][FIRST SCHEDULE.

[*See* section 4 (*2*).]

Form of Registration.

GOVERNMENT OF BOMBAY.

REGISTRATION OF REFUGEES.

(1) Name of the applicant in full (in capital letters with surname first).

(2) Age ... ...

(3) Sex ... ...

(4) Whether married or single ...

(5) Names of dependents at present in the Province of Bombay, their relationship, ages and sex.

(6) Names of dependents left behind, if any, in the place which he has left, their relationship, ages and sex.

(7) Address prior to evacuation: Village, Tehsil, District (in detail).

(8) Present address (Building, Floor, Street, Road, etc.

(9) Details of identity documents and other papers relating to evacuation, if any, with the applicant.

(10) Period of residence at place which he has left.

(11) Date and place of arrival in the Province of Bombay.

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[1] This section was inserted by Bom. 66 of 1948, s. 7.

[2] This schedule was substituted for the original, *ibid.*, s. 8.

(12) Any moveable or immovable property lost or left at the place which he has left or elsewhere and its value.

(13) Whether any property sold prior to evacuation. If so, its details and the price at which it was sold.

(14) Academical and technical qualifications.

(15) Occupation, profession or trade and monthly income prior to evacuation.

(16) Aptitude for any occupation, profession or trade other than that followed prior to evacuation.

(17) Details of land taken, if any, for settling either in the [1][State] of Bombay or elsewhere in [2][India].

(18) Means of maintenance at present.

(19) Resources possessed at present.

(20) Details of facilities or assistance received, if any, at present either through official or non-official sources.

(21) Whether any facilities or assistance required for rehabilitation. If so, their details.

(22) Whether he wishes to stay in the [1][State] of Bombay. If so, for how long.

(23) Whether willing to go outside the [1][State] of Bombay. If so, the place he wishes to proceed to.

Remarks—

Signature/Left hand thumb impression and/or Photograph of the applicant, *if available.*

Place 195 .

Registering Authority.]

[1] This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the words "the Indian Union", *ibid.*

SECOND SCHEDULE.

(*See* section 5.)

Form of Certificate of Registration.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Serial Number .....

Reception Camp Number .....

Registration Office Number .....

Name of refugee in full .....

Address before evacuation .....

Present address .....

Name of head of family .....

1* * * .....

Signature or finger print of refugee .....

Office of registration .....

Registered by .....

Date .....

Place 195 .

Registering Authority.

[1] The entry "Dentification marks" was deleted by Bom. 66 of 1948, s. 9.